

**MINUTES OF THE LAFAYETTE COMMON COUNCIL  
DECEMBER 7, 1998  
REGULAR SESSION**

The Common Council of the City of Lafayette, Indiana met in Regular Session on Monday, December 7, 1998, at 7:00 p.m. in the City Hall Council Chambers, 20 North 6th Street, Lafayette, Indiana.

President Probasco called the meeting to order at 7:00 p.m.

The Pledge of Allegiance was given to the flag of our Country.

The following members were:

Present: Boehning, Meyer, Phillips, Campbell, Downie, Rhoda, Fisher, Smith, Probasco  
Absent: None

President Probasco welcomed Linda Phillips to the Lafayette Common Council. President Probasco introduced State Senator Ron Alting. Senator Alting made several brief remarks about his service to the City of Lafayette. Senator Alting congratulated Councilman Phillips and wished her and the council well.

Councilman Campbell moved to recess for a Public Hearing on Ordinance 98-66, Resolution 98-23, and Ordinance 98-67, Councilman Fisher seconded. The motion passed by unanimous voice vote. The Clerk read Ordinance 98-66 (An Ordinance Annexing a Certain Area into the City of Lafayette, Indiana (Landis-Gyr) by title only. There was no public comment. The Clerk read Resolution 98-23 (A Resolution Confirming the Designation of an Economic Revitalization Area for Tax Abatement, Lafayette Quality Products) by title only. There was no public comment. The Clerk read Ordinance 98-67 (An Ordinance Establishing the Budget for the Lafayette Railroad Relocation Project for the Fiscal Year Beginning January 1, 1999 and ending December 31, 1999) by title only. There was no public comment. Councilman Campbell moved to reconvene the regular session, Councilman Meyer seconded. The motion to reconvene passed by unanimous voice vote.

Councilman Boehning moved to approve the minutes of the November 9, 1998 Regular Session, Councilman Smith seconded. The minutes were approved by unanimous voice vote.

The Clerk stated that there were no Presentations or Disposal of Claims or Presentations of Petitions or Communications.

The Clerk stated that the following reports are available in the Clerk's Office:

Controllers Monthly- November 1998  
Police Traffic Report - October 1998  
Police Traffic Report - September 1998  
Miscellaneous Monthly Department Reports

***Ordinances for Second Reading:***

The Clerk read Ordinance 98-65 (An Ordinance to Create Chapter 4.16 of the Code of General Ordinance of the City of Lafayette Relating to Citizens Band Radios, as amended) by title only for second and final reading. Councilman Rhoda moved for passage, Councilman Downie seconded. Linda Allen, 916 North 10<sup>th</sup> Street, spoke in favor of the ordinance. Ms. Allen distributed a copy of a letter to the editor that was

published in the *Lafayette Journal and Courier*. Sylvia Giles, 1704 Dearborn Drive, spoke in favor of the ordinance. Dan Smith, 1709 Dearborn Drive, spoke in opposition to the ordinance. Penny Parmenter, 1024 Tippecanoe Street, spoke in favor of the ordinance. Pat Hall, 901 18<sup>th</sup> Street, spoke against the ordinance. Ms. Allen made several other statements. Councilman Downie stated that it is time to pass the ordinance and determine if the problems can be addressed by police enforcement. Councilman Fisher stated that he had received a phone call from an elderly CB radio operator and he attempted to explain the intent of the ordinance. Councilman Fisher expressed some reservation about the passage of the ordinance. Ordinance 98-65 passed 8-0 on a roll call vote.

The Clerk read Ordinance 98-66 (An Ordinance Annexing a Certain Area into the City of Lafayette, Indiana, Landis-Gyr) by title only for second and final reading. Councilman Downie moved for passage, Councilman Rhoda seconded. Sherry McLauchlan explained the intent of the ordinance and stated that the fiscal plan would need to be adopted by amendment. Councilman Boehning moved to amend the ordinance to adopt the fiscal plan, Councilman Campbell seconded. The amendment passed 8-0 on a roll call vote. Ordinance 98-66, as amended, passed 8-0 on a roll call vote.

The Clerk read Ordinance 98-67 (An Ordinance Establishing the Budget for the Lafayette Railroad Relocation Project for the Fiscal Year Beginning January 1, 1999 and ending December 31, 1999) by title only for second and final reading. Councilman Campbell moved for passage, Councilman Rhoda seconded. Councilman Meyer moved to table Ordinance 98-67 until December 21, 1998 at 6:00 p.m., Councilman Smith seconded. The motion to table Ordinance 98-67 passed by unanimous voice vote.

### ***Ordinances for First Reading:***

The Clerk read Ordinance 98-68 (An Ordinance to Amend the Zoning Ordinance of Tippecanoe County, Indiana, to Rezone Certain Real Estate, from I3 to GB, Thomas C. Riehle, Petitioner) by title only for first and final reading. Councilman Boehning moved for passage, Councilman Rhoda seconded. Joseph Bumbleburg, representing the petitioner, explained the ordinance. Ordinance 98-68 passed 8-0 on a roll call vote.

The Clerk read Ordinance 98-69 (An Ordinance to Amend the Zoning Ordinance of Tippecanoe County, Indiana, to Rezone Certain Real Estate, from I3 to R3U, Gregg Sutter, Petitioner) by title only for first and final reading. Councilman Campbell moved for passage, Councilman Fisher seconded. Todd Helfter, 659 North 7<sup>th</sup> Street, spoke against the ordinance. Phyllis Hunt, 602 North 5<sup>th</sup> Street, read a statement of opposition from Leon Thorpe, who was unable to attend the meeting. Michael Hunt, 602 North 5<sup>th</sup> Street, spoke in opposition to the ordinance. Dick Nagel, 620 Ferry Street, spoke in opposition to the ordinance. Phyllis Hunt, 602 North 5<sup>th</sup> Street, spoke in opposition to the ordinance. Councilman Downie stated that this is in her district and feels that the APC recommendation to deny should be considered. Councilman Rhoda stated that he voted against the proposal at the APC and still opposes the ordinance. Ordinance 98-69 failed 0-8 on a roll call vote.

The Clerk read Ordinance 98-70 (An Amendment to Ordinance 85-21, "Sewerage Service, Wastewater Control and Treatment" as Amended) by title only for first reading. Councilman Campbell moved for passage, Councilman Fisher seconded. Mayor Dave Heath stated that the city has reached the point where a rate increase is necessary to repair the delivery system to the sewage treatment plant and also the plant. Mayor Heath explained the necessity of the increase. Councilman Campbell inquired about the necessity of treating rainwater. Mayor Heath explained potential state and federal regulations. Councilman Meyer asked about the 1999 priority list and specifically the proposed Hickory Hills lift station. Mayor Heath explained that eventually some participation fees would be recovered. Councilman Fisher asked about the separation of storm sewers in new developments. Opal Kuhl, City Engineer, stated that all new projects have separate sewer and storm water lines. Councilman Meyer asked about spending the current reserve. Ed Gunz, H. J. Umbaugh and Associates, explained the need to maintain a reserve in

order to begin the expansion of the wastewater treatment plant and that low interest rate loans are now available through the state. Mr. Gunz explained that the delivery system needs to be upgraded prior to plant expansion. Councilman Meyer questioned if depleting the reserve is responsible in the event of an emergency situation. Wayne Meyer, 801 Shawnee Avenue, spoke against the ordinance. Ordinance 98-70 passed 8-0 on a roll call vote. Councilman Campbell moved to set a public hearing on Ordinance 98-70 for 6:01 p.m. on December 21, 1998, Councilman Meyer seconded. The motion passed by unanimous voice vote. Council was reminded that Ordinance 98-70 would also be heard on second reading at the December 21, 1998 Special Meeting.

### ***Resolutions:***

The Clerk read Resolution 98-23 (A Resolution Confirming the Designation of an Economic Revitalization Area for Tax Abatement, Lafayette Quality Products) by title only for first and final reading. Councilman Smith moved for passage, Councilman Downie seconded. Sherry McLauchlan asked that the resolution be tabled until January due to some possible expansion plans. Councilman Fisher moved to table Resolution 98-23 until the January regular meeting, Councilman Smith seconded. The motion passed by unanimous voice vote.

The Clerk read Resolution 98-24 (1999 Common Council Calendar of Meetings) by title only for first and final reading. Councilman Rhoda moved for passage, Councilman Meyer seconded. Councilman Boehning moved to amend the resolution to change the January regular meeting to January 11, 1999 and the caucus meeting to January 6, 1999, Councilman Campbell seconded. The motion passed by unanimous voice vote. Resolution 98-24, as amended, passed 8-0 on a roll call vote.

The Clerk read Resolution 98-25 (A Resolution Approving the Detail of the 1999 Water and Wastewater Department Budgets) by title only for first and final reading. Councilman Fisher moved for passage, Councilman Phillips seconded. Councilman Meyer clarified that this is a simple approval of the form that was passed by the Board of Public Works and Safety. Councilman Fisher thanked the Water and Wastewater Departments for the ease of the form of the resolution. Resolution 98-25 passed 8-0 on a roll call vote.

### ***Tabled Ordinances:***

President Probasco stated that Ordinance 98-64 (An Ordinance to Vacate a Portion of a Public Way in the City of Lafayette, Indiana, Habitat for Humanity, Petitioner) had been tabled on November 9, 1998. Councilman Rhoda moved to take Ordinance 98-64 off the table and retable the ordinance until time uncertain, Councilman Fisher seconded. The motion passed 8-0 on a roll call vote.

Reports of Standing Committees: Councilman Meyer stated that the ordinance committee had met and discussed the issue of demolition permits for historic buildings and it was decided that there would be further study on the issue. Councilman Meyer stated that the committee should be meeting prior to the next regular meeting of the council to review additional information.

Reports of Special Meetings: Councilman Smith moved to set a special meeting on December 21, 1998 at 6:00 p.m., Councilman Phillips seconded. The motion passed by unanimous voice vote.

Reports by Mayor: Mayor Heath thanked Council for their support in tabling the Railroad Relocation budget and stated that he hopes that all can attend the meeting on December 11, 1998 to announce plans for the future of the project. Mayor Heath stated that there are new traffic signals being installed around the city that should help ease some traffic problems. Mayor Heath expressed his appreciation for council support on the wastewater increase that is necessary. Mayor Heath stated that the rates in the City of Lafayette would still be one of the lowest in the state.

Reports of Councilman: Councilman Campbell expressed his disappointment about Councilman Boehning's decision to not pursue another term as councilman. Councilman Campbell stated that he is proud of the council interaction in a bipartisan effort. Councilman Downie made several remarks about Councilman Boehning.

Councilman Fisher stated that Richard Koning has retired from the Fire Department after 29 years of service and Councilman Fisher extended his best wishes and requested that the City Clerk send a letter of appreciation from Council.

There was no Public Comment.

There being no further business to come before the Council, Councilman Campbell moved to adjourn, Councilman Fisher seconded. The Motion passed by unanimous voice vote. Time being 8:15 p.m.

Minutes prepared by Lisa Decker, City Clerk.

*A tape recording of this council meeting is maintained in the City Clerk's Office.*